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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,690	03/17/2004	Kenneth E. Koch III	46872-269148 CIP	6164

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EXAMINER

PAN, DANIEL H

ART UNIT	PAPER NUMBER
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2183

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/803,690	Applicant(s) KOCH, KENNETH E.	
	Examiner Daniel Pan	Art Unit 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-65, 103-107 and 127-136 is/are pending in the application.
- 4a) Of the above claim(s) 66-102, 108-126 and 137-146 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58, 103, 127 (see pending "101" in the action) is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 58-65, 103-107, 127-136 remain for examination. Claims 1-57, 66-102, 108-126, 137-146 have been canceled. Upon further review examiner's position is that the claims are directed to non-statutory subject matter, and remain rejected under "101". The reasons are provided below. Since further discussions are needed for clarifying the issue, this is a non-final in order to allow applicant a chance to response.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 58, 103, 127 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. As the amended claims 58, 103, 127, although claims have been amended the plurality of input/output interface circuit operated for receiving a plurality of compiled Boolean expression and transmit a compiled result, the practical application of the compiled result is unclear. Although the claims are further amended the first and second address register being activated (e.g. claims 58, 103), the practical application of activated address registers is not clear. Furthermore, the if then condition is an intended result, not a positive recitation. The fact that if and then for performing the logic expression does not necessarily directed to a final result achieved which is useful, tangible, and concrete. Similarly for newly amended feature of claim 127, the practical application of outcome calculation circuit is unclear. Furthermore, the final result of the selection of the address registers is unclear. Although claims recite the "processor" and "Boolean logic circuit", no clear components of the processor and

Art Unit: 2183

Boolean logic circuit can be found. Since claims are reciting Boolean expressions, it is not sure whether the claims are directed to the expressions describing the processor or the processor itself with hardware components. It is therefore, claims 58,103 and 127 are rejected as non-statutory.

4. Suggestions : 1) more clear physical connections of the processors and the input and output interfaces, and 2) more defined practical application of the Boolean logic evaluation and the "If...then" conditions are advised to overcome broader interpretation of the claim. A broader interpretation of a claim by USPTO will reduce the possibility that the claim, when issued, will be interpreted more broadly than is justified or intended. An applicant can always amend the claim during the prosecution to better reflect the intended scope of the claim (see also MPEP 2100)

5. The rejections are maintained and incorporated by reference the last office action on 10/31/06.

The response filed on 12/14/06 has been fully considered but is not persuasive.

6. In the remarks applicant's argued that applicant has amended claims per the Examiner's proposed amendment to overcome the outstanding rejections.

7. As to applicant's remarks above, see discussions in paragraphs 3,4 in this action.

8. Claims 58-65, 103-107,127-136 are allowable over the art of record, upon pending condition of "101" set forth above, for reciting the activation and the selection of the Boolean logic address registers for performing the short-circuited evaluation of

Art Unit: 2183

the both conjunctive and disjunctive Normal form expression /operations with the instruction register and the compiled Boolean expression/operations received and transmitted by the input and output interface circuits.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

DANIEL H. PAN
PRIMARY EXAMINER
CLOUT